



CITY OF LODI
COUNCIL COMMUNICATION

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AGENDA TITLE: Approval of Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation and Various Other Cases being Handled by Outside Counsel (\$113,250.26).

MEETING DATE: November 19, 2008 City Council Meeting

PREPARED BY: City Attorney's Office

RECOMMENDED ACTION: Approval of Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation and Various Other Cases being Handled by Outside Counsel (\$113,250.26).

BACKGROUND INFORMATION: Listed below are invoices from the City's outside counsel, Folger, Levin & Kahn; Kronick, Moskovitz, Tiedemann & Girard and Miscellaneous Invoices for services incurred relative to the Environmental Abatement Program litigation and various other matters that are currently outstanding and need to be considered for payment.

Folger Levin & Kahn - Invoices Distribution

Matter No.	Invoice No.	Date	Description	Water Acct.
8002	111270	Jun-08	People v. M&P Investments	\$6,098.37
8002	111556	Jul/Aug-08	People v. M & P Investments	\$9,035.98
8001	111266	Sep-08	General Advice	\$1,308.30
8008	111110	Sep-08	People v. Envision	\$ 73,763.05
		Sep-08	Thomas Haas, Expert Witness Services	\$ 3,360.00
			Total	\$ 93,565.70

Kronick Moskovitz Tiedemann & Girard - Invoices Distribution

Matter No.	Invoice No.	Date	Description	100351.7323
11233.026	241501	10/25/08	Lodi First v. City of Lodi	\$12,560.91
11233.029	241501	10/25/08	AT&T v. City of Lodi	\$1,296.50
			Total	\$13,857.41

APPROVED:


 Blair King, City Manager

MISCELLANEOUS

Invoice No.	Date	Description	Water Account
897402	10/17/2008	Harry A. Cannon re: City v. Donovan	499.66
897601	10/27/2008	Harry A. Cannon re: City v. Donovan	1,696.78
898302	11/6/2008	Harry A. Cannon re: City v. Donovan	143.20
897801	11/10/2008	Harry A. Cannon re: City v. Donovan	865.51
76859ESF	10/16/2008	Esquire Deposition Services	890.65
76896ESF	10/21/2008	Esquire Deposition Services	576.05
77018ESF	11/6/2008	Esquire Deposition Services	533.20
76996ESF	10/31/2008	Esquire Deposition Services	622.10
			<u>\$5,827.15</u>

FISCAL IMPACT: Expenses in the amount of \$13,857.41 will be paid out of the General Fund and \$12,560.91 billed to Wal-Mart for City's defense of the Lodi First litigation. The remaining expenses will be paid out of the Water Fund.

FUNDING AVAILABLE: 184010.7323 - \$99,392.85
100351.7323 - \$13,857.41

Approved:


Kirk Evans, Budget Manager


D. Stephen Schwabauer, City Attorney